



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

July 22, 2014

Ida McDonnell, CAP
USEPA Region 1
1 Congress Street – Suite 1100
Boston, Massachusetts 02114-2023

Re: **Administrative Amendment**
FINAL OPERATING PERMIT
Appl. #1-O-13-024; Trans. # X256940

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 - APPENDIX C(8) of the Massachusetts Air Pollution Control Regulations (“the Regulations”), the Department of Environmental Protection (“MassDEP”) is forwarding to EPA the attached **Administrative Amendment** to the Final Operating Permit for Berkshire Power Company, LLC located at 36 Moylan Lane in Agawam, Massachusetts.

The attached Administrative Amendment to the Final Operating Permit consists of a change in the name of the facility contact.

Should you have any questions concerning this **Administrative Amendment** to the Final Operating Permit, please contact Cortney Danneker at (413) 755-2234.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Marc Simpson
Air Quality Permit Chief
Western Region

cc: Max Grieg
Berkshire Power Company, LLC
36 Moylan Lane
Agawam, MA 01001

Debby Cartney
Berkshire Environmental Consultants, Inc.
1450 East Street, Suite 6-H
Pittsfield, MA 01201

ecc: Peter Czapienski, WERO
Yi Tian, MassDEP, Boston
Karen Regas, MassDEP, Boston



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AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

Berkshire Power Company, LLC
36 Moylan Lane
Agawam, MA 01001

INFORMATION RELIED UPON:

Application #1-O-13-024
Transmittal #X256940
Appl.WE-14-016; Trans. #X262374
(Admin. Amend: Change Facility Contact)

FACILITY LOCATION:

Berkshire Power Company, LLC
36 Moylan Lane
Agawam, MA 01001

FACILITY IDENTIFYING NUMBERS:

AQ ID: 0420067
FMF FAC NO.: 274425
FMF RO NO.: 299304

NATURE OF BUSINESS:

Combustion Turbine Combined Cycle
Power Generation Facility

STANDARD INDUSTRIAL CLASSIFICATION (SIC):

4911–Electric Power Generation

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS):

221112 – Fossil Fuel Electric Power Generation

RESPONSIBLE OFFICIAL:

Name: William Freddo
Title: General Manager

FACILITY CONTACT PERSON:

Name: Max Grieg
Title: Plant Engineer
Phone: (413) 789-0075 x100

This operating permit shall expire on May 30, 2019.

For the Department of Environmental Protection

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

July 22, 2014

Date

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

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SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter "Berkshire Power" or the "Facility") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

Berkshire Power is a combined-cycle independent electric power generating facility rated at 272 MW net nominal output. The Facility consists of a combustion turbine-generator, a heat recovery steam generator ("HRSG") with no supplemental fuel firing, a condensing steam turbine generator, a wet mechanical cooling tower, and ancillary equipment. The primary fuel for the Facility's combustion turbine is natural gas with distillate oil as the backup fuel. Additionally, there are two (2) natural gas-fired chiller engines that are available to cool the intake air for additional capacity when the ambient temperature is greater than 55°F, an emergency diesel generator to provide plant electricity in the event of a total plant loss of power, and a diesel fire pump.

The Facility is based on an ABB GT24 combustion turbine with nominal capacity of 178 MW and a nominal heat input of 1,792 MMBtu/hr higher heating value ("HHV") at 59°F and maximum heat input of 2,112 MMBtu/hr. The hot exhaust gases exiting the combustion turbine pass through the HRSG which uses the heat from these gases to produce steam. The HRSG houses an 80% destruction efficiency carbon monoxide catalyst followed by an ammonia injection grid and selective catalytic reduction ("SCR") system for control of nitrogen oxides from the combustion turbine and chiller engines. The steam produced in the HRSG is fed into a condensing steam turbine to generate a nominal output of 100 MW of electric power. After passing through the HRSG, the exhaust gases are released from a 125 foot tall stack with a 216 inch inside diameter that is equipped with continuous emission monitors for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and ammonia ("NH₃").

Berkshire Power is exempt from the requirements of 40 CFR 64 (Compliance Assurance Monitoring) because the facility utilizes a continuous compliance determination method (NOx/CO CEMS), as defined in 40 CFR 64.1.

Compliance of Emission Unit 1 with the 40 CFR 60 Subpart GG emission limits for NOx and SO₂ will be demonstrated by meeting the more stringent emission limits under MassDEP Plan Approval #WE-13-012 (dated 7/17/2013).

Berkshire Power meets the definition of an area source of Hazardous Air Pollutants ("HAPs") by way of a facility-wide restriction of HAPs issued in MassDEP Plan Approval #WE-13-012 (dated 7/17/2013).

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

Table 1			
Emission Unit (EU #)	Description of Emission Unit	EU Design Capacity	Pollution Control Device
EU 1	ABB GT24 combustion turbine & Combined cycle unit *	2,112 x 10 ⁶ Btu/hr	selective catalytic reduction for NOx catalytic oxidation for CO & VOC
EU 2	(2) internal combustion chiller engines – natural gas fired – 4 stroke SI lean burn engines – Caterpillar Model 3516	11.34 x 10 ⁶ Btu/hr each	selective catalytic reduction for NOx catalytic oxidation for CO & VOC
EU 3	wet mechanical draft cooling tower	66,090 gallons per minute	drift eliminators
EU 4	Emergency Diesel Generator	3.12 x 10 ⁶ Btu/hr	none
EU 5	Emergency Diesel Fire Pump	1.9 x 10 ⁶ Btu/hr	none
EU 6	Cold Cleaning Degreaser	Varies	none

* The stack parameters for the combustion turbine/chiller engines are as follows:

Height=125 feet

Inside diameter=216 inches (18 feet)

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the Facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the Facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the stack emission limits/restrictions as contained in Table 3 below:

Table 3								
EU #	Fuel or Raw Material	Pollutant	Stack Emission Limit/Standards ⁽¹⁾				Annual Emissions (tons/year) ⁽²⁾	Applicable Regulation and/or Approval No.
			Natural Gas		Distillate Oil			
			lb/hr	lb/MMBtu	lb/hr	lb/MMBtu		
EU 1 & EU 2 (combined)	natural gas or distillate oil	Sulfur Dioxide	4.4	0.0023	110.3	0.0522	56	MassDEP Approval #WE-13-012 (07/17/2013) 40 CFR 52.21; 40 CFR Part 72 / 75; 40 CFR Part 60 Subpart GG
		Particulate Matter	18.3	0.0105	98.9	0.0468	106 ⁽³⁾	
		Nitrogen Oxides	23.6	0.0121	69.2	0.0328	109	
		Carbon Monoxide	48.8	None ⁽⁴⁾	23.5	0.0112	183	
		VOC	8.0	None ⁽⁴⁾	40.0	0.0189	47	
		Formaldehyde	1.3	0.0006	0.9	0.0004	6	
		Sulfuric Acid Mist	1.54	0.0010	35.4	0.0168	18.9	
		Nitrogen Oxides	3.5 ppmvd @ 15% O ₂ 114 ppmvd @ 15% O ₂ ⁽⁵⁾		9.0 ppmvd @ 15% O ₂ 114 ppmvd @ 15% O ₂ ⁽⁵⁾		---	310 CMR 7.32 (Clean Air Interstate Rule)
		As of the allowance deadline for a control period, the owners/operators of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NOx Ozone Season allowances available for compliance deductions for the control period under 310 CMR 7.32(6)(e)1. in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NOx Ozone Season units at the source, as determined in accordance with 310 CMR 7.32(8).						
		Ammonia	Ammonia slip ≤10 ppmvd @ 15% O ₂		109 ⁽⁶⁾			
	Opacity	No greater than 10% ⁽⁷⁾				n/a		
	Sulfur in Fuel	Natural gas ≤ 0.8 grains per 100 ft ³ ; Oil ≤ 0.05% by weight Oil ≤ 0.0015% by weight after 7/1/2018				n/a	310 CMR 7.05(1)(a)1 Table 1 (Sulfur Content of Fuels)	

(1) Except where noted lb/hr, lb/MMBtu and ppm limits are block-hour limits. The limits apply during all normal operating conditions. The limits do not apply during startup, shutdown, protective load shed, equipment tuning or re-commissioning, as defined herein.

(2) Annual emission limits are based on and assessed as 12-month rolling totals. All operating periods including startup, shutdown and malfunction events shall be considered when calculating annual emission rates.

(3) An additional 4.6 tons per year is emitted from cooling tower drift.

(4) Since the "lb/MMBtu" emission rates for CO and VOC vary considerably with load and temperature, only "lb/hr" emission rates apply.

(5) Reference: 40 CFR 60.332(a)(1), based on a 4-hour rolling average, calculated for operating hours only.

(6) Includes breathing and working losses of the ammonia storage tanks.

(7) Based on a 6-minute block average.

Table 3 (continued)				
EU #	Fuel or Raw Material	Emission Limits – Startup, Shutdown, Protective Load Shed ("PLS"), Equipment Tuning & Re-Commissioning		Applicable Regulation and/or Approval No.
		Pollutant	Emission Limit	
EU 1	Natural Gas	Nitrogen Oxides	1.0 lb/MMBtu, calculated as follows: <u>Startup</u> : Averaged over the first 60 minutes of combustion turbine operation, and for each 1-hour block thereafter over the actual startup time. <u>Shutdown</u> : Averaged over the last 60 minutes of combustion turbine operation before going off-line. <u>PLS, Equipment Tuning, Re-Commissioning</u> : For each affected hour as a 1-hour block average.	MassDEP Approval #WE-13-012 (07/17/2013)
		Carbon Monoxide	2.0 lb/MMBtu applies during the first 60-minutes of combustion turbine operation, calculated as follows: <u>Startup</u> : Averaged over the first 60 minutes of combustion turbine operation. 1.0 lb/MMBtu applies during startup for each full operating hour after the first 60-minutes of operation, if the first hour of operation was a partial operating hour, and during shutdown, calculated as follows: <u>Startup</u> : Averaged for each 1-hour block over the actual startup time (excludes the first hour of operation if that hour was a partial operating hour). <u>Shutdown</u> : Averaged over the last 60 minutes of combustion turbine operation before going off-line. <u>PLS, Equipment Tuning, Re-Commissioning</u> : For each affected hour as a 1-hour block average.	
		Ammonia	≤10 ppmvd at 15% O ₂ , calculated as follows: <u>Startup</u> : Averaged over the actual startup time. <u>Shutdown</u> : Averaged over the last 60 minutes of combustion turbine operation before going off-line. <u>PLS, Equipment Tuning, Re-Commissioning</u> : For each affected hour as a 1-hour block average.	

Definitions:

Startup is defined as that period of time, following a period when the unit is off-line, from initiation of combustion turbine firing until the unit reaches 50% power output. A startup is limited to 180 minutes duration.

Shutdown is defined as that period of time from when the turbine drops to 50% power output until the point at which the combustion process has stopped. A shutdown is limited to 60 minutes duration.

Protective Load Shed (PLS) means an event during which the unit reduces load to less than 50% power output without stopping the combustion process to protect the turbine. A PLS event is limited to 240 minutes duration.

Equipment Tuning is defined as the period required to complete the manufacturer’s recommended equipment tuning not associated with a major inspection. An equipment tuning event is limited to 240 minutes duration, during which time the unit may operate below 50% power output.

Re-Commissioning is defined as the period required to complete the manufacturer’s recommended equipment tuning following the completion of a major inspection. The maximum duration that the combustion turbine may operate below 50% power output or above normal emission limits during a re-commissioning event (not including startup and shutdown) is 30 hours.

EU #	Fuel or Raw Material	Pollutant	Stack Emission Limit/Standards ⁽¹⁾				Annual Emissions (tons/year) ⁽²⁾	Applicable Regulation and/or Approval No.		
			Natural Gas		Distillate Oil					
			lb/hr	lb/MMBtu	lb/hr	lb/MMBtu				
EU 1	natural gas or distillate oil	Carbon Dioxide	Hold CO ₂ allowances available for compliance ^{(8), (9)}				—	Final Approval # X223618 (12/10/2008) 310 CMR 7.70(1)(e)3.a. [State Only]		
			CO ₂ allowance transfers				—	Final Approval # X223618 (12/10/2008) 310 CMR 7.70(7) [State Only]		
EU 2	natural gas	Carbon Monoxide	≤ 47 ppmvd @15% O ₂ (4 hour average when the combustion turbine and either or both chiller engines are operating simultaneously)				—	EPA Approved Alternative Monitoring Plan (9/24/2013) 40 CFR Part 63 Subpart ZZZZ; Table 6		
EU 3	water	Particulate Matter	n/a				4.6	MassDEP Approval #WE-13-012 (07/17/2013)		
EU 4	distillate oil	all	Operate ≤ 300 hours per rolling 12-month total and only during specified conditions				—	310 CMR 7.03(10)(a)4.		
			Sulfur content of oil ≤ 0.0015% by weight					310 CMR 7.03(10)(b)		
EU 4	distillate oil	all	Comply with the requirements specified at 63.6603(a), Table 2d				—	40 CFR Part 63 Subpart ZZZZ		
EU 5	distillate oil	sulfur in fuel	≤ 0.05% by weight; ≤ 0.0015% by weight after 7/1/2018					310 CMR 7.05(1)(a)1 Table 1		
EU 6	solvent	VOC	Solvent consumption rate of < 100 gallons per calendar month				—	310 CMR 7.03(8) 310 CMR 7.18(8)		
Facility-wide	any	Hazardous Air Pollutants (HAPs)	n/a				≤ 9.9 any single HAP and ≤ 24.9 total of all HAPS combined	MassDEP Approval #WE-13-012 (07/17/2013)		
	any	Greenhouse Gas ⁽¹⁰⁾	n/a				—	310 CMR 7.71 [State Only]		

(1) Except where noted lb/hr, lb/MMBtu and ppm limits are block-hour limits. The limits apply during all normal operating conditions. The limits do not apply during startup, shutdown, protective load shed, equipment tuning or re-commissioning, as defined herein.

(2) Annual emission limits are based on and assessed as 12-month rolling totals. All operating periods including startup, shutdown and malfunction events shall be considered when calculating annual emission rates.

(8) Compliance with CO₂ allowances shall be based on the control period. The control period is a three-calendar-year time period, unless extended to four years upon occurrence of a stage two trigger event. Control period and stage two trigger event are defined at 310 CMR 7.70(1)(b).

(9) Hold CO₂ allowances available for compliance deductions under 310 CMR 7.70(6)(e), as of the CO₂ allowance transfer deadline, in the source's compliance account in an amount not less than the total CO₂ emissions for the control period from all CO₂ budget units at the source, as determined in accordance with 310 CMR 7.70(6) and (8).

(10) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

- B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring, testing, record-keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10): and applicable requirements as contained in Table 3, unless otherwise specified below:

Table 4	
Emission Unit	Monitoring/Testing Requirements
EU 1	<p>Berkshire Power shall</p> <ol style="list-style-type: none"> 1) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), comply with all applicable testing requirements contained in 40 CFR Parts 72 and 75. 2) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), comply with all the applicable monitoring requirements contained in 40 CFR Parts 72 and 75 (Acid Rain Program), and 310 CMR 7.00. 3) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), conduct annual stratification testing for NO_x (using USEPA Method 20 or an alternate method approved by MassDEP) and O₂. The purpose of these tests shall be to document a representative Continuous Emission Monitoring (CEM) sampling location for NO_x. 4) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), the requirement to perform an annual stratification test (or the frequency of this testing) may be changed by MassDEP, upon request by Berkshire Power, if in the opinion of MassDEP such testing is no longer needed. 5) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), conduct emission testing in accordance with USEPA Reference Test Methods and Regulation 310 CMR 7.13, if and when required by MassDEP. 6) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), calibrate, test, and operate a Data Acquisition System(s) ("DAS") and stack CEMS to measure and record flue gas emissions of NO_x, CO, CO₂, O₂, and ammonia. For the monitoring of CO₂, Berkshire Power may use, if they choose, alternative CO₂ monitoring provisions as defined in 40 CFR Part 75.13 and 40 CFR Part 75 Appendix G. 7) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), use and maintain its CEMS as "direct-compliance" monitors to measure NO_x, CO (and VOC), CO₂, O₂, and ammonia. <p>"Direct-compliance" monitors generate data that legally documents the compliance status of a source. MassDEP shall utilize the data generated by the "direct-compliance" monitors for compliance and enforcement purposes.</p>

Table 4 (continued)

Emission Unit	Monitoring/Testing Requirements
EU 1	<p>Berkshire Power shall</p> <p>8) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), determine continuous compliance with the VOC emission limits (1-hour block average & annual) contained herein by monitoring CO emissions with the CO CEM.</p> <p>If the combustion turbine is operating in a condition of startup, the VOC emissions shall be considered as occurring at the startup rate determined in the initial compliance stack test.</p> <p>If the combustion turbine is operating at 50% load or greater, and if CO emissions are below the CO emission limit contained herein, the VOC emissions shall be considered as occurring at the VOC emission limit also contained herein.</p> <p>If the combustion turbine is operating at 50% load or greater, and if CO emissions are above the CO emission limit contained herein, the VOC emissions shall be considered as occurring at a rate determined by the equation</p> $VOC_{actual} = VOC_{limit} \times (CO_{actual} / CO_{limit})$ <p>9) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that all emissions, even those attributable to an emergency/malfunction, startup/shutdown or other non-typical operation, are quantified and included in the determination of annual emissions and compliance with the annual emission limits as stated herein. Any period of excess emission of CO shall count as a period of excess emission of VOC, and the excess emission of VOC shall be accumulated towards the 47 ton per year annual emission limitation for VOC.</p> <p>"Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of Berkshire Power, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.</p> <p>"Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.</p> <p>10) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that all stack monitors and recording equipment comply with MassDEP approved performance and location specifications, and conform with the EPA monitoring specifications at 40 CFR Part 60.13 & 40 CFR Part 60 Appendices B and F, and 40 CFR Parts 72 and 75 and the Code of Massachusetts Regulations at 310 CMR 7.00, as applicable.</p> <p>11) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), for all CEMS, data validation and frequency for performing daily calibration error (CE) tests and frequency of performing routine QA cylinder gas audits (CGA) and Relative Accuracy Test Audits (RATA) may be conducted in accordance with the applicable quality assurance provisions for NO_x CEMS contained in 40 CFR Part 75 Appendix B, Section 2.1 for CE, Section 2.2 for CGA and Section 2.3 for RATA.</p> <p>12) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), equip the CEMS with audible and visible alarms to activate when emissions exceed the limits documented herein.</p> <p>13) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), operate each CEM at all times except for periods of CEMS quality control/quality assurance ("QA/QC") activities, calibration checks, zero and span adjustments, CEM malfunction, maintenance or repair.</p>

Table 4 (continued)

Emission Unit	Monitoring/Testing Requirements
EU 1	<p>Berkshire Power shall</p> <ol style="list-style-type: none"> 14) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), obtain and record valid emissions data from each CEMS for at least 95% of the operating hours per calendar quarter. Invalid hours due to periods of CEMS QA/QC activities, calibration checks, zero and span adjustments, and preventive maintenance may be excluded from the 95% requirement. 15) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain a QA/QC program for the long term operation of the CEMs which conforms with the applicable requirements of 40 CFR Part 60, Appendix F, 40 CFR Part 75 Appendix B, and 310 CMR 7.00. 16) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), monitor and record the sulfur content and gross caloric value of natural gas in accordance with 40 CFR Part 60 Subpart GG Section 60.334 and 40 CFR Part 75 Appendix D Section 2.3, as applicable. 17) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), install and operate continuous monitors to monitor temperatures at the inlets to the CO and NO_x catalysts. The systems will be equipped with either an alarm or interlocking protection or isolation system. 18) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), operate a continuous monitoring system to record fuel consumption in accordance with 40 CFR Part 75. 19) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), monitor and record the sulfur content, density and gross calorific value of distillate oil in accordance with the applicable provisions of 40 CFR Part 60 Subpart GG Section 60.334 and 40 CFR Part 75 Appendix D Section 2.2. 20) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), notify MassDEP in writing prior to the time the facility first combusts fuel oil in the combustion turbine. If MassDEP advises that stack testing is required, Berkshire Power will prepare and submit an appropriate testing protocol. 21) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), install and operate a continuous opacity monitoring system ("COMS") including a DAS to continuously monitor and record the stack opacity when combusting oil prior to commissioning the combustion turbine on distillate oil. 22) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), use and maintain a COMS as a "direct compliance" monitor for opacity when combusting distillate oil in the combustion turbine. 23) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), operate the COMS at all times except for periods of COMS QA/QC activities, calibration checks, zero and span adjustments, COM malfunction, maintenance or repair when combusting distillate oil in the combustion turbine. 24) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), equip the COMS with audible and visible alarms to activate when emissions exceed the limits documented herein. 25) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), obtain and record valid opacity data from the COMS for at least 95% of the hours per calendar quarter that the combustion turbine operates on distillate oil. Invalid hours due to periods of COMS QA/QC activities, calibration checks, zero and span adjustments, and preventive maintenance may be excluded from the 95% requirement.

Table 4 (continued)

Emission Unit	Monitoring/Testing Requirements
EU 1	<p>Berkshire Power shall</p> <p>26) In accordance with 310 CMR 7.32, monitor and test as required by the Massachusetts Clean Air Interstate Rule (CAIR).</p> <p>27) In accordance with 310 CMR 7.70(8)(a)1.a. and MassDEP Transmittal #X223618 (12/10/2008), install all monitoring systems necessary to monitor CO₂ mass emissions in accordance with 40 CFR Part 75, except equation G-1 in Appendix G shall not be used to determine CO₂ emissions under 310 CMR 7.70(8). [State Only]</p> <p>28) In accordance with 310 CMR 7.70(8)(a)2.a. and MassDEP Transmittal #X223618 (12/10/2008), each CO₂ budget unit that commenced commercial operation before July 1, 2008, must be in compliance with the requirements of 310 CMR 7.70(8) by January 1, 2009. [State Only]</p> <p>29) In accordance with 310 CMR 7.70(8)(h)1. and MassDEP Transmittal #X223618 (12/10/2008), submit to the MassDEP or its agent net electrical output. [State Only]</p> <p>30) In accordance with 310 CMR 7.70(8)(h)4.a. and MassDEP Transmittal #X223618 (12/10/2008), the billing meter shall record the electric output. Any electric output values that the facility reports must be the same as the values used in billing for the output. Any output measurement equipment used as a billing meter in commercial transactions requires no additional certification or testing. [State Only]</p> <p>31) In accordance with 310 CMR 7.70(8)(h)5.c. and MassDEP Transmittal #X223618 (12/10/2008), when a component of output measurement equipment fails to pass an accuracy test, all data shall be replaced by either zero or an output value that is approved as part of the monitoring plan required under 310 CMR 7.70(8)(h)3. until the component passes an accuracy test or is replaced with another piece of equipment that passes the accuracy test. [State Only]</p>
EU1 & EU 2	<p>Berkshire Power shall</p> <p>32) In accordance with 40 CFR 63.8(f) and an Alternative Monitoring Plan approved by EPA – Region 1 (9/24/2013), ensure that, except for periods of CEMS quality assurance and quality control activities, calibration checks, zero and span adjustments, CEMS malfunction, maintenance or repair, the installed CEMS continuously monitors CO and O₂ according to the requirements in 40 CFR § 63.6625(a), is capable of producing data in the form of ppmvd at 15% O₂ according to the requirements of 40 CFR § 63.6620(e)(2), and is capable of reducing the measurement to 1 hour averages.</p> <p>33) In accordance with 40 CFR 63.8(f) and an Alternative Monitoring Plan approved by EPA – Region 1 (9/24/2013), perform during the next relative accuracy test audit, a four hour performance evaluation of the CEMS with the combustion turbine and the chiller engines operating at a steady state, in order to evaluate whether the CEMS can accurately produce four hour averaged data. [One time requirement]</p>
Facility-Wide	<p>Berkshire Power shall</p> <p>34) In accordance with 310 CMR 7.13 Stack Testing, conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by the MassDEP and EPA.</p> <p>35) In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF₆ usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. [State Only]</p> <p>36) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.</p>

Table 5	
Emission Unit	Record-keeping Requirements
EU 1	<p>Berkshire Power shall</p> <ol style="list-style-type: none"> 1) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain for the life of the Facility all pertinent operating and monitoring records and logs that support the facility's ability to demonstrate compliance with the requirement herein. Berkshire Power shall make available to the MassDEP for inspection upon request the five most recent years' data. 2) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain records of natural gas and fuel oil sampling and analysis in accordance with 40 CFR 60 Subpart GG and 40 CFR 40 Appendix D, as applicable. 3) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain a written log to record each period that distillate oil is fired in the combustion turbine. The log shall indicate the date, duration of firing, amount of oil fired, and name of the operator making the entry. 4) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain on-site records of output from all continuous monitors for flue gas emissions, fuel consumption, and CO and NO_x control system inlet temperatures, and shall make these records available to the MassDEP on request. 5) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain a log to record problems, upsets or failures associated with the emission control system, CEMs, COMS, or ammonia handling system. 6) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), comply with all applicable recordkeeping requirements contained in 40 CFR Parts 72 and 75. 7) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain comprehensive and accurate records of the amount of formaldehyde emitted with supporting calculations in units of lb/MMBtu (based on a 1-hour block average), lb/hour (based on a 1-hour block average) and tons in any 12 consecutive month period. 8) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained herein. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month. 9) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain a record of all malfunctions affecting air contaminant emission rates on the approved emission units, pollution control devices and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.

Table 5 (continued)

Emission Unit	Record-keeping Requirements
EU 1	<p>Berkshire Power shall</p> <p>10) In accordance with 310 CMR 7.32, maintain records as required by the Massachusetts Clean Air Interstate Rule (CAIR).</p> <p>11) In accordance with 310 CMR 7.70(8)(e)1. and MassDEP Transmittal #X223618 (12/10/2008), comply with all recordkeeping and reporting requirements in 310 CMR 7.70(8)(e), with all applicable record keeping and reporting requirements under 40 CFR 75.73, and with the requirements of 310 CMR 7.70(2)(a)5. [State Only]</p> <p>12) In accordance with 310 CMR 7.70(8)(h)6.a. and MassDEP Transmittal #X223618 (12/10/2008), comply with all output recordkeeping and reporting requirements in 310 CMR 7.70(8)(h) and with the requirements of 310 CMR 7.70(1)(e)5. and (2)(a)5. [State Only]</p> <p>13) In accordance with 310 CMR 7.70(8)(h)6.b. and MassDEP Transmittal #X223618 (12/10/2008), retain data used to monitor, determine, or calculate net generation for ten years from the date reported. [State Only]</p>
EU 2	<p>Berkshire Power shall</p> <p>14) In accordance with 40 CFR 63.6655(a), maintain the following records:</p> <ul style="list-style-type: none"> a. A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv). b. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment. c. Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii). d. Records of all required maintenance performed on the air pollution control and monitoring equipment. e. Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

Table 5 (continued)	
Emission Unit	Record-keeping Requirements
EU 3	Berkshire Power shall 15) In accordance with 310 CMR 7.00 Appendix C(10), maintain records of any maintenance performed on the drift eliminators.
EU 4	Berkshire Power shall 16) In accordance with 310 CMR 7.03(10), 310 CMR 7.03(6) and 310 CMR 7.02(8)(i)(3), maintain up-to-date records (monthly logs) of hours of operation and reason for operation such that year-to-date and 12-month rolling total information is readily available for MassDEP examination.
EU 4 EU 5	Berkshire Power shall 17) In accordance with 40 CFR 63.6655, retain all applicable records (site specific maintenance plan, hours operated recorded through the non-resettable hour meter by type, maintenance records, etc.) for 5 years.
EU 6	Berkshire Power shall 18) In accordance with 310 CMR 7.18(8)(g) and 310 CMR 7.00 Appendix C(10), prepare and maintain daily records sufficient to demonstrate continuous compliance. Records kept to demonstrate compliance shall be kept on site for five years and shall be made available to representatives of the MassDEP and EPA in accordance with the requirements of an approved compliance plan or upon request. Such records shall include, but are not limited to: a. identity, quantity, formulation and density of solvent(s) used; b. quantity, formulation and density of all waste solvent(s) generated; c. actual operational and performance characteristics of the degreaser and any d. appurtenant emissions capture and control equipment, if applicable; and e. any other requirements specified by the MassDEP in any approval(s) and/or order(s) issued to the person.
Facility-Wide	Berkshire Power shall 19) In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions. [State Only] 20) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration. 21) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information, including all stack test results and all ambient air quality modeling results, on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application. 22) In accordance with 310 CMR 7.12(3)(b), maintain copies of Source Registration and other information supplied to the MassDEP to comply with 310 CMR 7.12, for five years from the date of submittal.

Table 6

Emission Unit	Reporting Requirements
EU 1	<p>Berkshire Power shall</p> <ol style="list-style-type: none"> 1) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), submit a report monthly to the MassDEP at 436 Dwight Street, Springfield, MA 01103. The report will be submitted by the 15th of the following month and will minimally contain the following information. <ol style="list-style-type: none"> a. A summary of emission data showing any deviations from allowable emission levels or operating conditions. The report shall quantify and explain any such deviations to the extent possible. b. Upsets or failures associated with the emission control system or continuous monitoring equipment. For each upset or failure, the report shall include the duration, the causes, any action taken to remedy the problem and the amount of any emission exceedances. c. Each period during which there was any firing of distillate oil. The report shall include the date of oil firing, the amount of oil fired, the reasons and duration of firing. This report shall summarize year-to-date the number of hours of firing distillate oil and the total amount of distillate oil burned. d. A tabulation of periods of operation (dispatch). 2) In accordance with 310 CMR 7.70(2)(a)5. and MassDEP Transmittal #X223618 (12/10/2008), each submission under the CO₂ Budget Trading Program shall be submitted, signed, and certified by the CO₂ authorized account representative. [State Only] 3) In accordance with 310 CMR 7.70(4)(a) and MassDEP Transmittal #X223618 (12/10/2008), for each control period in which a CO₂ budget source is subject to the CO₂ requirements of 310 CMR 7.70(1)(e)3., submit to the MassDEP by the March 1 following the relevant control period, a compliance certification report the MassDEP Boston office as directed. The compliance certification shall contain, at a minimum, the items listed in 310 CMR 7.70(4)(a)2. and 3. [State Only] 4) In accordance with 310 CMR 7.70(6)(c) and MassDEP Transmittal #X223618 (12/10/2008), all submissions will be made to the facility's CO₂ Allowance Tracking System Account to the MassDEP or its agent pertaining to the account, shall be made only by the CO₂ authorized account representative for the account. [State Only] 5) In accordance with 310 CMR 7.70(8)(d) and MassDEP Transmittal #X223618 (12/10/2008), the CO₂ authorized account representative shall submit written notifications to the MassDEP and the Administrator in accordance with 40 CFR 75.61. [State Only] 6) In accordance with 310 CMR 7.70(8)(e)1. and MassDEP Transmittal #X223618 (12/10/2008), comply with all recordkeeping and reporting requirements in 310 CMR 7.70(8)(e), the applicable record keeping and reporting requirements under 40 CFR 75.73 and with the requirements of 310 CMR 7.70(2)(a)5. [State Only] 7) In accordance with 310 CMR 7.70(8)(e)4.a.i. and MassDEP Transmittal #X223618 (12/10/2008), report the CO₂ mass emissions data for the CO₂ budget unit that commenced commercial operation before July 1, 2008, in an electronic format prescribed by the Administrator, unless otherwise prescribed by the MassDEP, for each calendar quarter beginning with the calendar quarter covering January 1, 2009 through March 31, 2009. [State Only]

Table 6 (continued)

Emission Unit	Reporting Requirements
EU 1	<p>Berkshire Power shall</p> <ol style="list-style-type: none"> 8) In accordance with 310 CMR 7.70(8)(e)4.c. and MassDEP Transmittal #X223618 (12/10/2008), submit to the MassDEP or its agent a compliance certification in support of each quarterly report. [State Only] 9) In accordance with 310 CMR 7.70(8)(h)6.a. and MassDEP Transmittal #X223618 (12/10/2008), comply with all output recordkeeping and reporting requirements in 310 CMR 7.70(8)(h) and with the requirements of 310 CMR 7.70(1)(e)5. and (2)(a)5. [State Only] 10) In accordance with 310 CMR 7.70(8)(h)6.c. and MassDEP Transmittal #X223618 (12/10/2008), submit annual output reports in a spreadsheet both electronically and in hardcopy by March 1 for the immediately preceding calendar year to the MassDEP Boston office or the MassDEP's agent as directed. [State Only] 11) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), notification of QA testing is required for Relative Accuracy Test Audits (RATAs) and Appendix E/LME (Low Mass Emission) unit tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61, to MassDEP. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5). 12) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), a previously approved RATA protocol may be referenced at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous MassDEP protocol comments to the satisfaction of the MassDEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date. 13) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that a copy of the QA RATA or Appendix E/LME test results is submitted to MassDEP within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR). 14) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that results from QA daily Calibrations for NO_x and O₂, quarterly Linearity checks for NO_x and O₂, and Appendix D Fuel Flowmeter tests are reported electronically in the EDR submittal for the quarter in which the testing occurs. 15) In accordance with 40 CFR Part 60.7(c) and Subpart GG 60.334(j)(5), submit an excess emissions and monitoring systems performance report to the EPA Regional Office and MassDEP Western Regional Office semi-annually. The report shall be postmarked by the 30th day following the end of each six-month period. 16) In accordance with 40 CFR Part 60, Appendix F, Sections 1.1. and 7., submit a Data Assessment Report for each Cylinder Gas Audit of the CO and NH₃ CEMS to the MassDEP Western Regional Office. The report is due within 30 days after the close of the quarter in which it was conducted. 17) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), notify MassDEP in writing at least three (3) business days prior to any Equipment Tuning or Re-Commissioning events as defined herein. 18) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), comply with all applicable reporting requirements contained in 40 CFR Parts 72 and 75. 19) In accordance with 310 CMR 7.32, submit reports as required by the Massachusetts Clean Air Interstate Rule (CAIR).

Table 6 (continued)

Emission Unit	Reporting Requirements
Facility-Wide	<p>Berkshire Power shall</p> <p>20) In accordance with 310 CMR 7.00: Appendix C(10)(c), report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).</p> <p>21) In accordance with General Condition 10 herein, submit Annual Compliance report to MassDEP and EPA by January 30 of each year.</p> <p>22) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.</p> <p>23) In accordance with 310 CMR 7.00 Appendix C(10)(f), report to the MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").</p> <p>24) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), notify the Western Regional Office of MassDEP, BWP Permit Chief by telephone, mail or fax [413-784-1149], as soon as possible, but no later than three (3) days after discovery of an exceedance(s) of an emission limit requirement, unless such immediate notification is exempted by MassDEP Title V Air Operating Permit reporting guidelines. A written report shall be submitted to BWP Permit Chief at MassDEP within ten (10) days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s) or continuous emission monitoring equipment failure, corrective actions taken, and action plan to prevent future exceedance(s).</p> <p>25) In accordance with 310 CMR 7.71(5), by April 15th, 2010 and April 15th of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO₂e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. [State Only]</p> <p>26) In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the MassDEP or the registry. [State Only]</p> <p>27) In accordance with 310 CMR 7.71(7), by December 31st of the applicable year submit to the MassDEP documentation of triennial verification of the greenhouse gas emissions report. [State Only]</p> <p>28) In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the MassDEP that stack testing is necessary to ascertain compliance with the MassDEP's regulations or design approval provisos, shall cause such stack testing to be summarized and submitted to the MassDEP as prescribed in the agreed to pretest protocol.</p> <p>29) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Monitoring and Testing Requirements.</p>

Table 6 (continued)	
Emission Unit	Reporting Requirements
Facility-Wide	<p>Berkshire Power shall</p> <p>30) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Monitoring and Testing Requirements.</p> <p>31) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), notify the MassDEP immediately by telephone and within 3 working days, in writing, following the release or the threat of a release of ammonia, and/or upsets or malfunctions to the ammonia handling or delivery systems. Berkshire Power must comply with all notification procedures required under M.G.L. c. 21 E -Spill Notification Regulations.</p> <p>32) In accordance with MassDEP Approval #WE-13-012 (07/17/2013) and 310 CMR 7.00 Appendix C(10)(a), submit to the MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the MassDEP or EPA.</p> <p>33) Berkshire Power shall submit to MassDEP all information required herein over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).</p>

- C. **GENERAL APPLICABLE REQUIREMENTS** – The Permittee shall comply with all general applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.
- D. **REQUIREMENTS NOT CURRENTLY APPLICABLE** –The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 250 people.
40 CFR 63 Subpart T: National Emission Standards for Halogenated Solvent Cleaning	Not applicable
310 CMR 7.25: Consumer and Commercial Products	Not applicable
40 CFR Part 64: Compliance Assurance Monitoring	Facility utilizes a continuous compliance determination method (NOx/CO CEMS), as defined in 40 CFR 64.1, and is therefore exempt from 40 CFR 64.
310 CMR 7.27	Not applicable; superseded by 310 CMR 7.28 and 7.32
310 CMR 7.28: NOx Allowance Trading Program	As of January 1, 2009, this regulation is no longer applicable; it was superseded by 310 CMR 7.32.
Clean Air Act Section 112(r): Accidental Release Prevention Requirements	Facility does not store, use, or process any of the listed compounds in quantities greater than thresholds.

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

Table 8	
Emission Unit	Special Terms & Conditions
EU 1	<p>Berkshire Power shall</p> <ol style="list-style-type: none"> 1) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that once the Facility has operated commercially on oil for 720 hours, and if the Facility intends to startup or shutdown on oil, the Facility will submit oil startup and shutdown emission rates, as applicable, to MassDEP for review. 2) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), shall not burn distillate oil during the time period May 1 through September 30 inclusive of any calendar year, except during initial compliance testing, initial plant demonstration and performance testing, or in the event of a power supply emergency. Power supply emergency" is defined as when Berkshire Power has been notified by the fuel supplier that Berkshire Power cannot take natural gas and also been notified that an electrical supply emergency exists and all available generation must be put on-line at maximum output. 3) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that the SCR control equipment for the combustion turbine is operational whenever the turbine is operated at 50% power or greater. 4) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that during periods of protective load shed, equipment tuning or re-commissioning all reasonable attempts are made to limit the amount of air emissions. 5) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), allow the combustion turbine to operate at less than 50% power output only during startup, shutdown, protective load shed events, equipment tuning or re-commissioning. Operation at these loads is limited to no more than 180 minutes for each startup, 60 minutes for each shutdown, 240 minutes for a protective load shed event, 240 minutes per equipment tuning event or 30 hours for each re-commissioning event. 6) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain on-site for the CEMs and COM equipment, an adequate supply of spare parts to maintain the on-line availability and data capture requirements specified herein. 7) Massachusetts Clear Air Interstate Rule (MassCAIR); 310 CMR 7.32 The owner/operator of [facility] is subject to and shall comply with the Massachusetts Clean Air Interstate Rule (CAIR), 310 CMR 7.32, and has submitted a CAIR emission control application pursuant to 310 CMR 7.32(3). 8) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), comply with all applicable provisions of 40 CFR Parts 72 and 75.

Table 8 (continued)

Emission Unit	Special Terms & Conditions
EU 1	<p>Berkshire Power shall</p> <p>9) In accordance with EPA correspondence dated 2/11/2002, Berkshire Power may employ alternative NOx continuous emissions monitor calibration and quality assurance/quality control provisions as follows:</p> <p>a. For the low monitoring range (0-10 ppm) NOx monitor,</p> <ol style="list-style-type: none"> Berkshire Power may calibrate such that the drift is no more than 5% of span (0.5 ppm). Berkshire Power may perform the 7-day drift test on 7 consecutive unit operating days rather than on seven consecutive calendar days. This item applies to all emissions monitors at the facility. Berkshire Power may use an alternate relative accuracy requirement of 0.5 ppmvd of NOx, corrected to 15% O₂. For lb/MMBtu emission limits, Berkshire Power may use an alternative relative accuracy of 0.002 lb/MMBtu. For lb/hr emission limits, Berkshire Power may use a relative accuracy equal to the following: $\text{lb/hr relative accuracy} = 0.002 \text{ lb/MMBtu} * A_{\text{MMBtu/hr}}$ <p>Where A_MMBtu/hr = the arithmetic average MMBtu/hr determined by the DAHS over the course of the RATA testing, for every hour during which a RATA run was performed.</p> <p>iv. Berkshire Power may substitute the requirements of the quarterly linearity test, required under 40 CFR Part 75, in lieu of the requirement to perform quarterly cylinder gas audits as specified in 40 CFR Part 60.</p> <p>b. Berkshire Power may skip a cylinder gas audit (CGA) for CO and NH₃ in any quarter during which the unit is operated less than 168 hours, except that a CGA must be done for each pollutant (CO and NH₃) at least once every four quarters regardless of hours of operation.</p> <p>c. Berkshire Power is approved to use the following data validation methods:</p> <ol style="list-style-type: none"> Berkshire Power shall perform CEMS data validation and data reduction in accordance with 40 CFR Section 75.10(d)(1) procedures for the purposes of showing compliance with the 40 CFR Part 60, Subpart GG NOx standards and the PSD permit CO and NH₃ standards, except that no data substitution shall be permitted. Berkshire Power shall apply the O₂ diluent cap in accordance with 40 CFR Part 75, Appendix F, Section 3, for determination of lb/MMBtu and ppmvd (@ 15% O₂) emission rates. Berkshire Power shall designate an hour in which fuel is fired for any period as an "operating hour" in accordance with 40 CFR Section 72.2. <p>10) In accordance with EPA correspondence dated 3/31/2006, Berkshire Power shall demonstrate compliance with 40 CFR Part 60, Subpart GG daily calibration requirements by conducting NOx and O₂ daily calibrations according to the provisions of 40 CFR Part 75, Appendix B, Section 2.1, provided that:</p> <ol style="list-style-type: none"> A calibration error greater than two times the Performance Specification would initiate an out-of-control condition and prospective data invalidation until a successful calibration is complete. The applicable calibration Performance Specifications for the NOx analyzer high and low scale ranges are 2.5 percent of span, and 0.5 ppm, respectively. Per 40 CFR Part 75, Appendix B, Berkshire Power's low range NOx monitor will be considered out of control when the difference between the monitor response and the reference value is 1.0 ppm or more. Calibrations must be conducted while the unit is operating (unless an online demonstration is made under 40 CFR Part 75, Appendix B, Section 2.1.1.1 or an offline demonstration is made under 40 CFR Part 75, Appendix B, Section 2.1.1.2). A calibration must be conducted once every 26 clock hours when the unit is operating; or within 8 hours of a start-up (assuming the analyzer system was in control at the last shutdown).

Table 8 (continued)

Emission Unit	Special Terms & Conditions				
EU 1	<p>11) EU1 is subject to the requirements of Phase II of the Federal Acid Rain Program as defined by EPA in 40 CFR Part 72. Pursuant to 40 CFR Part 72.71, 40 CFR Part 72.73, and 310 CMR 7.00: Appendix C(3)(n), the MassDEP is the permitting authority for Phase II Acid Rain Permits. The MassDEP issued the initial Phase II Acid Rain Permit for Berkshire Power on April 12, 2000. The MassDEP is incorporating the requirements of the Phase II Acid Rain Permit into this Operating Permit. The Phase II Acid Rain requirements will renew in the Operating Permit.</p> <p>12) Within 60 days of the end of each calendar year, Berkshire Power shall hold in its SO₂ allowance account at least one allowance for each ton of SO₂ emitted during the previous year. An allowance is a limited authorization to emit SO₂ in accordance with the Acid Rain Program.</p> <p>13) If Berkshire Power has excess emissions in any calendar year, it shall submit a proposed offset plan as required under 40 CFR Part 77. In addition, the Permittee shall pay any penalties specified in 40 CFR Part 77 and comply with the terms of an approved offset plan.</p> <p>14) In accordance with 40 CFR Part 73, the Permittee's designated representative may buy, sell, trade, or transfer allowances between EU accounts at any time, except between 60 days of the end of the calendar year and the completion of the annual SO₂ allowance reconciliation for the preceding year(s).</p> <p>15) The yearly allowance allocations (tons per year) as identified in 40 CFR Part 73, Tables 2, 3, or 4 (as amended) are identified below:</p> <table border="1"> <tr> <th>Emission Unit</th><th>YEARS 2014, 2015, 2016, 2017, & 2018 until the expiration date of this Operating Permit</th></tr> <tr> <td>EU 1</td><td>0 tons</td></tr> </table>	Emission Unit	YEARS 2014, 2015, 2016, 2017, & 2018 until the expiration date of this Operating Permit	EU 1	0 tons
Emission Unit	YEARS 2014, 2015, 2016, 2017, & 2018 until the expiration date of this Operating Permit				
EU 1	0 tons				

Table 8 (continued)

Emission Unit	Special Terms & Conditions
EU 3	<p>Berkshire Power shall</p> <p>16) In accordance with 310 CMR 7.00 Appendix C(9), monitor the operation of the drift eliminators to ensure they function in accordance with the manufacturer's design specifications.</p> <p>17) In accordance with MassDEP Approval #WE-13-012 (07/17/2013) and 40 CFR Part 63 Subpart Q, ensure that the Facility's cooling tower(s) use no chromium-based water treatment chemicals.</p>
EU 4	<p>Berkshire Power shall</p> <p>18) In accordance with 310 CMR 7.03(10), not operate the engine for more than 300 hours per 12-month rolling total and only for the reasons specified therein.</p>
EU 4 EU 5	<p>Berkshire Power shall</p> <p>19) In accordance with 40 CFR 63.6605, at all times operate and maintain each engine in a manner consistent with safety and good air pollution control practices for minimizing emissions.</p> <p>20) In accordance with 40 CFR 63.6625(e), operate and maintain each engine and emissions control device (if any) according to the manufacturer's emission-related written instructions or develop a site-specific maintenance plan to provide for the maintenance and operation of the engine in a manner consistent with minimizing emissions.</p> <p>21) In accordance with 40 CFR 63.6625(f), ensure that there is a non-resettable hour meter installed on each engine.</p> <p>22) In accordance with 40 CFR 63.6625(h), minimize each engine's time spent at idle during startup and minimize each engine's startup time to a period needed for appropriate safe loading of the engine, not to exceed 30 minutes.</p> <p>23) In accordance with 40 CFR 63.6625(i) and Table 2d-4, maintain each engine by: (a) changing the oil and filter every 500 hours of operation or annually, whichever comes first; (b) inspecting the air cleaner every 1,000 hours of operation or annually, whichever comes first; and (c) inspecting all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. An oil analysis program may be used in order to extend oil change schedule specified in Table 2d(4)(a).</p> <p>24) In accordance with 40 CFR 63.6640(f)(1) through (4), operate the engine according to the conditions described in 40 CFR 63.6640(f)(1), (2) and (4). In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing and emergency demand response, as described in 40 CFR 63.6640(f)(1), (2) and (4), is prohibited. If you do not operate the engine according to the requirements in 40 CFR 63.6640(f)(1), (2) and (4), the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.</p>

Table 8 (continued)

Emission Unit	Special Terms & Conditions
EU 6	<p>Berkshire Power shall</p> <p>25) In accordance with 310 CMR 7.18(8)(a)1., ensure that the solvent used in any cold cleaning degreaser except as defined in 310 CMR 7.18(8)(a)1a-c shall have a vapor pressure that does not exceed 1.0 mm Hg measured at 20°C.</p> <p>26) In accordance with 310 CMR 7.18(8)(a)2, ensure that any leaks shall be repaired immediately, or the degreaser shall be shut down.</p> <p>27) In accordance with 310 CMR 7.18(8)(a)3, ensure that the following requirements apply unless the cold cleaning degreaser is a sink-like work area with a remote solvent reservoir with an open drain area less than 100 square centimeters:</p> <ul style="list-style-type: none"> a. Each cold cleaning degreaser is equipped with a cover that is designed to be easily operated with one hand; b. Each cold cleaning degreaser is equipped to drain clean parts so that, while draining, the cleaned parts are enclosed for 15 seconds or until dripping ceases, whichever is longer; c. Each cold cleaning degreaser is designed with: <ul style="list-style-type: none"> i. a freeboard ratio of 0.75 or greater; or ii. a water blanket (only if the solvent used is insoluble in and heavier than water); or iii. an equivalent system of air pollution control which has been approved by the MassDEP and EPA; d. The covers of each cold cleaning degreaser are closed whenever parts are not being handled in the degreaser, or when the degreaser is not in use; and e. The drafts across the top of each cold cleaning degreaser are minimized such that when the cover is open the degreaser is not exposed to drafts greater than 40 meters per minute (1.5 miles per hour), as measured between one and two meters upwind at the same elevation as the tank lip. <p>28) In accordance with 310 CMR 7.18(8)(e), operate any solvent metal degreaser using procedures which minimize evaporative emissions and prohibit spills from the use of said degreaser. Such procedures include but are not limited to:</p> <ul style="list-style-type: none"> a. notification to operators of the performance requirements that must be practiced in the operation of the degreaser, including the permanent and conspicuous posting of labels in the vicinity of the degreaser detailing performance requirements; and b. storage of waste degreasing solvent in closed containers, and disposal or transfer of waste degreasing solvent to another party, in a manner such that less than 20% of the waste degreasing solvent by weight can evaporate into the atmosphere; and c. where applicable, supplying a degreasing solvent spray which is a continuous fluid stream (not a fine, atomized or shower type spray) at a pressure which does not exceed ten pounds per square inch as measured at the pump outlet, and use any such spray within the confines of the degreaser. <p>29) In accordance with 310 CMR 7.18(8)(f), maintain instantaneous and continuous compliance at all times.</p>

Table 8 (continued)

Emission Unit	Special Terms & Conditions																																																																													
Facility-Wide	<p>30) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), limit facility-wide emissions of hazardous air pollutant(s) ("HAPs") to less than 10 tons per 12-month rolling total of any single HAP and less than 25 tons per 12-month rolling total of all HAPs combined.</p> <p>31) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), properly train all personnel to operate the Facility and pollution control equipment in accordance with vendor specifications. All persons responsible for the operation of the ammonia handling and SCR control systems shall sign a statement affirming that they have read and understand the Facility's standard operating and standard maintenance procedures. This training shall be updated at least once annually.</p> <p>32) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), store the standard operating and maintenance procedures for the ammonia handling system in a convenient location (control room/technical library) and make them readily available to all employees.</p> <p>33) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), ensure that at all times enough of the ball-plastic baffles are kept within the containment area around the ammonium hydroxide storage tank to provide 91% surface coverage of any spilled ammonium hydroxide. The balls must be free of restrictions that would inhibit their floatation.</p> <p>34) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), maintain in the Facility control room portable ammonia detectors (e.g. draeger tubes) for use during a spill or atypical atmospheric release.</p> <p>35) The Permittee has represented that it is not subject to 42 U.S.C. 7401 §112(r) Prevention of Accidental Releases. As such, the Permittee shall ensure that the concentration of the aqueous ammonia solution used in the SCR control system is $\leq 19\%$.</p> <p>36) In accordance with MassDEP Approval #WE-13-012 (07/17/2013), Berkshire Power shall comply with the Allowable Noise Impacts limits specified in the following table: [State Only]</p> <table><tr><th colspan="7">Allowable Noise Impacts</th></tr><tr><th>Noise Receptors</th><th>Nighttime Ambient L₉₀ (dBA)</th><th>Nighttime Ambient + Plant L₉₀ (dBA)</th><th>Nighttime Change</th><th>Daytime Ambient L₉₀ (dBA)</th><th>Daytime Ambient + Plant L₉₀ (dBA)</th><th>Daytime Change</th></tr><tr><td>1. Moylan Lane</td><td>33</td><td>41</td><td>+8</td><td>43</td><td>45</td><td>+2</td></tr><tr><td>2. Shoemaker Lane</td><td>31</td><td>38</td><td>+7</td><td>39</td><td>41</td><td>+2</td></tr><tr><td>3. Silver Lake</td><td>38</td><td>41</td><td>+3</td><td>47</td><td>48</td><td>+1</td></tr><tr><td>4. Doane Avenue</td><td>31</td><td>38</td><td>+7</td><td>42</td><td>43</td><td>+1</td></tr><tr><td>5. Route 75</td><td>40</td><td>42</td><td>+2</td><td>48</td><td>48</td><td>+0</td></tr><tr><td>6. NE property line ⁽¹⁾</td><td>-</td><td>-</td><td>-</td><td>43</td><td>56</td><td>+13</td></tr><tr><td>7. SE property line</td><td>-</td><td>-</td><td>-</td><td>47</td><td>52</td><td>+5</td></tr><tr><td>8. SW property line</td><td>-</td><td>-</td><td>-</td><td>47</td><td>53</td><td>+6</td></tr><tr><td>9. NW property line</td><td>-</td><td>-</td><td>-</td><td>46</td><td>55</td><td>+9</td></tr></table> <p>⁽¹⁾ The nighttime levels at the property line locations were not measured as the abutting land use is industrially zoned and there are no residences or noise sensitive receptors nearby.</p> <p>37) Berkshire Power is subject to, and has stated in their operating permit application that they are in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.</p>	Allowable Noise Impacts							Noise Receptors	Nighttime Ambient L ₉₀ (dBA)	Nighttime Ambient + Plant L ₉₀ (dBA)	Nighttime Change	Daytime Ambient L ₉₀ (dBA)	Daytime Ambient + Plant L ₉₀ (dBA)	Daytime Change	1. Moylan Lane	33	41	+8	43	45	+2	2. Shoemaker Lane	31	38	+7	39	41	+2	3. Silver Lake	38	41	+3	47	48	+1	4. Doane Avenue	31	38	+7	42	43	+1	5. Route 75	40	42	+2	48	48	+0	6. NE property line ⁽¹⁾	-	-	-	43	56	+13	7. SE property line	-	-	-	47	52	+5	8. SW property line	-	-	-	47	53	+6	9. NW property line	-	-	-	46	55	+9
Allowable Noise Impacts																																																																														
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6. ALTERNATIVE OPERATING SCENARIOS

none

7. EMISSIONS TRADING

A. Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies the United States Environmental Protection Agency (EPA) and the MassDEP at least fifteen days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to the MassDEP pursuant to 310 CMR 7.00: Appendix B.

B. Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et. seq. (the "Act"), and provided for in this permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

A. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Air Compliance Clerk, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

B. Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall

be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

12. PERMIT SHIELD

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.

C. Nothing in this Permit shall alter or affect the following:

- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
- 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

14. PERMIT TERM

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this Permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This Permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this Permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating

Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

28. OZONE DEPLETING SUBSTANCES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
 - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

29. PREVENTION OF ACCIDENTAL RELEASES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

30. APPEAL CONDITIONS FOR OPERATING PERMIT

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.